

REMARKS

1. Rejection of Claims 1, 5-7 and 10 under 35 U.S.C. 102(a).

Claims 1, 5-7 and 10 were rejected under 35 U.S.C. 102(a) as anticipated by WO 9835550 which teaches a nucleic acid molecule encoding a protein comprising a sequence of greater than 95% homologous to SEQ ID NO:64 of the present invention.

In order to expedite allowance of claims, Applicants have amended Claims 1, 7 and 10 to recite nucleic acid molecules 95% identical to SEQ ID NOs. 6 and 65, thus rendering the rejection moot.

In view of the foregoing Applicants respectfully request withdrawal of the Examiner's rejection of Claims 1, 5-7 and 10 under 35 U.S.C. 102(a).

2. Rejection of Claims 1, 5-7 and 10 under 35 U.S.C. 102(b).

Claims 1, 5-7 and 10 were rejected under 35 U.S.C. 102(b) as anticipated by WO 9637609 and Kothapelli et al. which teach a nucleic acid molecule encoding a protein comprising a sequence of greater than 95% homologous to SEQ ID NO:64 of the present invention.

In order to expedite allowance of claims, Applicants have amended Claims 1, 7 and 10 to recite nucleic acid molecules 95% identical to SEQ ID NOs. 6 and 65, thus rendering the rejection moot.

In view of the foregoing Applicants respectfully request withdrawal of the Examiner's rejection of Claims 1, 5-7 and 10 under 35 U.S.C. 102(b).

3. Rejection of Claims 1 and 10 under 35 U.S.C. 102(b).

Claims 1 and 10 were rejected under 35 U.S.C. 102(b) as anticipated by Fujiwara et al. and Kamimura et al. which teach a nucleic acid molecule encoding a protein comprising a sequence of greater than 95% homologous to SEQ ID NO:64 of the present invention.

In order to expedite allowance of claims, Applicants have amended Claims 1 and 10 to recite nucleic acid molecules 95% identical to SEQ ID NOs. 6 and 65, thus rendering the rejection moot.

In view of the foregoing Applicants respectfully request withdrawal of the Examiner's rejection of Claims 1, 5-7 and 10 under 35 U.S.C. 102(b).

4. Rejection of Claims 1, 5-7 and 10 under 35 U.S.C. 102(e).

Claims 1, 5-7 and 10 were rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patents 6,300,488 and 6,379,945, which teach a nucleic acid molecule encoding a protein comprising a sequence of greater than 95% homologous to SEQ ID NO:64 of the present invention.

In order to expedite allowance of claims, Applicants have amended Claims 1, 7 and 10 to recite nucleic acid molecules 95% identical to SEQ ID NOs. 6 and 65, thus rendering the rejection moot.

In view of the foregoing Applicants respectfully request withdrawal of the Examiner's rejection of Claims 1, 5-7 and 10 under 35 U.S.C. 102(e).

5. Rejection of Claims 5-7 under 35 U.S.C. 103(a).

Claims 5-7 were rejected under 35 U.S.C. 103(a) as anticipated by Fujiwara et al. and Kamimura et al. which teach a nucleic acid molecule encoding a protein comprising a sequence of greater than 95% homologous to SEQ ID NO:64 of the present invention.

In order to expedite allowance of claims, Applicants have amended Claim 1 (from which Claims 5 and 6 depend) and Claim 7 to recite nucleic acid molecules 95% identical to SEQ ID NOs. 6 and 65, thus rendering the rejection moot.

In view of the foregoing Applicants respectfully request withdrawal of the Examiner's rejection of Claims 5-7 under 35 U.S.C. 103(a).

6. Rejection of Claims 3 and 12 under 35 U.S.C. 112, second paragraph

Claims 3 and 12 were rejected under 35 U.S.C. 112, second paragraph for the reasons of record.

In response to the Examiner's rejection, Applicants have amended Claims 1 and 10 to recite nucleic acid sequences fully complementary to nucleic acid sequences encoding ecdysone receptors of the present invention, thus making Claims 3 and 12 definite under 35 U.S.C. 112, second paragraph.

In view of the foregoing Applicants respectfully request withdrawal of the Examiner's rejection of Claims 3 and 12 under 35 U.S.C. 112, second paragraph.

In the event that the Examiner has any questions regarding Applicants' position, the Examiner is invited to contact the below-named representative at (970) 493-7272.

Respectfully submitted,

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